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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/704,400	08/27/1996	RENATE M. SOMBROEK	PHN14.491A	9135
24737	7590	09/27/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			BRIER, JEFFERY A	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

08/704,400

Applicant(s)

SOMBROEK ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-43 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 1996 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

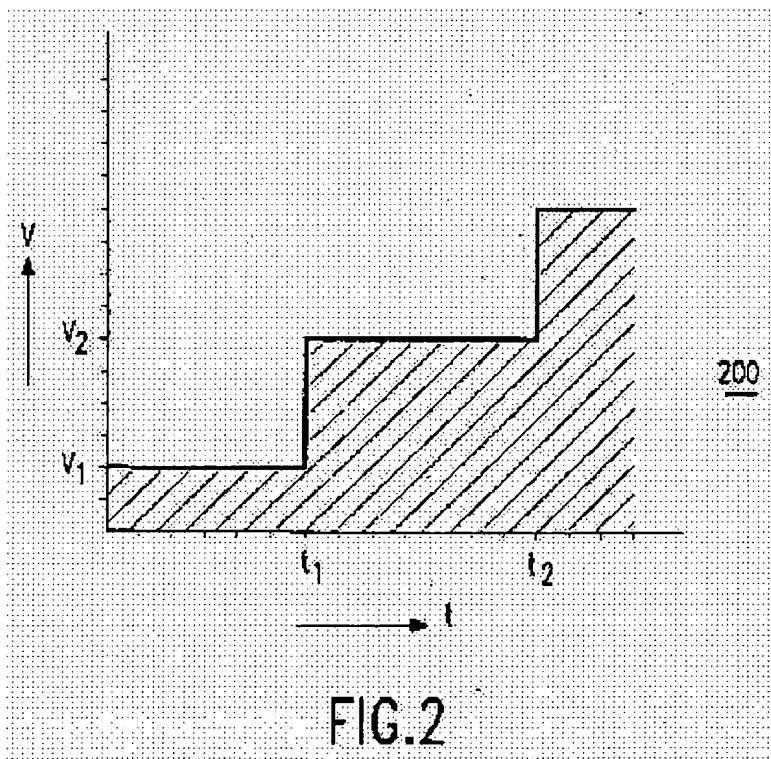
- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

1. This application is in condition for allowance except for the following formal matters:

The proposed figure 5 enters new matter into the specification because it does not show continuous variable speed between 0 and  $V_1$  as defined by applicants specification at page 5 line 32 to page 6 line 1. Thus, this portion of the specification in conjunction with that which is taught by figure 2, requires a different figure than that which applicant proposes.

Applicants figure 2 filed on August 27, 1996.

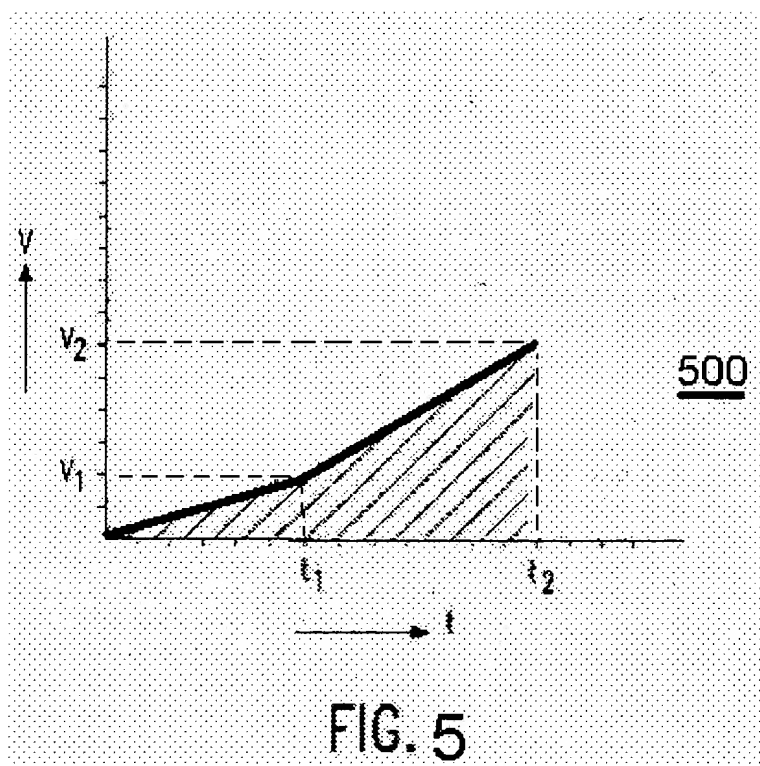


The Examiner proposes in a new figure to draw a straight line between 0,0 and  $V_1, t_1$  and another straight line between  $V_1, t_1$  and  $V_2, t_2$  using applicant's figure 2 as a

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template. Applicant's proposal also creates too great of slope between  $V_1, t_1$  and  $V_2, t_2$  because applicant did not use the same dimensions found in applicants figure 2.

A rough example of a new figure that exhibits acceptable content follows. A new figure number is needed such as FIG.5 and a new reference number such as 500 is needed in the drawing and an appropriate reference needs to be made in the specification. The dashed line from  $V_1$ ,  $V_2$ ,  $t_1$ , and  $t_2$  along their respective axis found in applicant's proposal is a good acceptable addition to the new figure.



The amendment to the specification adds new matter into the specification because applicant added in the new language (in the first new paragraph) "the actual displacement speed of the cursor is variable within a first speed range" and "the actual

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displacement speed of the cursor is variable within a second speed range". The specification at page 5 line 33 to page 6 line 1 stated: "the cursor speed being continuously variable through user interface 106". Thus, the added language needs to express continuously variable.

The amendment to the specification adds new matter into the specification because applicant added in the new language (in the second new paragraph) "the actual displacement speed of the cursor is variable within a first speed range when the total generation of timing signals is less than a pre-specified number" and "the actual displacement speed of the cursor is variable within a second speed range when the total generation of timing signals is equal to or greater than a pre-specified number". The specification at page 5 line 33 to page 6 line 1 stated: "the cursor speed being continuously variable through user interface 106". Thus, the added language needs to express continuously variable. The specification did not correlate timing signals to t1 and t2 and did not correlate a pre-specified number of timing signals to t1. Therefore, this part of the amendment adds new matter. Also is the second occurrence of "a pre-specified number" in the amendment the same as the first occurrence of "a pre-specified number" previously recited in the amendment?

The amendment to the paragraph starting on page 5 line 32 needs to make reference to a drawing reference number such as 500 for new figure 5.

The amendment to the abstract enters new matter because changing "relatively low" to first and "relatively high" to second and the added line "The first and second

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speed may be at fixed respective values" causes in the added line the speeds may be different than the "relatively low speed" and the "relatively high speed" originally disclosed.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### ***Response to Arguments***

2. The remarks concerning claims 34 and 40 are noted and it should be noted the Board of Appeals has constructively limited the claimed speed range after the predetermined time interval to be a faster speed range. Therefore an explicit recitation in the claims is not needed.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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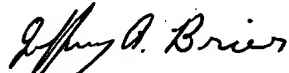
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeffery A Brier  
Primary Examiner  
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